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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,066	12/03/2001	Julie Anna Symons	10015520	9441

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EXAMINER

TRAN, NGHI V

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/005,066	Applicant(s) SYMONS ET AL.	
	Examiner Nghi V. Tran	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-22 and 24-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-22 and 24-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 17 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 17 recites the limitation "a virtually-wired switching fabric" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 24 recites the limitation "said fabric" in line 3. There is insufficient antecedent basis for this limitation in the claim. "said fabric" is understood for -- a virtually-wired switching fabric--.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 13-16, 18-22 and 25-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Vairavan, U.S. Patent Application Publication No. 2002/0083344 (hereinafter Vairavan).

7. With respect to claims 22 and 13, Vairavan teaches a method of managing a network [see abstract and fig.1], said method comprising:

- accessing a database of a stored physical topology of said network to obtain authorized address at host ports of switches [paragraphs 0074-0084 i.e. a security policy database];
- configuring a switch in said network to forward a packet received at a first port [120, 125 and 130] if an address associated with said packet is authorized for said first port [paragraphs 0054-0060];
- comparing a set of learned addresses against set of expected addresses, said learned addresses comprising addresses associated with packets processed at a second port [115a-g], said expected addresses derived from an expected configuration of said network [paragraphs 0059-0060 and 0086-0101]; and
- tracing a topology of said network to find a third port where an unexpected address [i.e. intrusion detection] entered said network, said third port coupled

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to a device having a media access control (MAC address) that is said unexpected address [paragraphs 0059, 0067, 0090 and paragraphs 0131-0140].

8. With respect to claim 25, Vairavan further teaches said configuring the switch further comprises configuring the switch to drop said packet if said address is not authorized [paragraph 0132].

9. With respect to claims 18 and 26, Vairavan further teaches said configuring the switch comprises programming the switch in said network to recognize authorized address for said first port [paragraphs 0054-0060].

10. With respect to claim 27, Vairavan further teaches said configuring the switch further comprises configuring the switch to forward said packet to a host device [215 i.e. system processor] if said address is authorized for said first port, said first port coupled to said host device [paragraphs 0054-0060].

11. With respect to claim 28, Vairavan further teaches said method further comprising: determining changes in physical topology of said network [paragraphs 0060 and 0086-0088].

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12. With respect to claim 29, Vairavan further teaches said determining changes in physical topology comprises comparing a physical description of said network with said stored physical topology of said network [paragraphs 0060 and 0086-0088].

13. With respect to claims 30, Vairavan further teaches said address is a media access control (MAC) address and wherein said network comprises a virtually-wired switching fabric [fig.2].

14. With respect to claims 14-15, Vairavan further teaches said network is a virtually-wired switching network [fig.1] and said first port couples switches in said network and said second port is couple to a host device [paragraphs 0046-0054].

15. With respect to claim 16, Vairavan further teaches said method further comprises: taking corrective action at said second port, wherein said second port is coupled to a host device [paragraphs 0069-0071].

16. With respect to claim 19, Vairavan further teaches of said method is repeated for each interconnect port in said network, wherein said network comprises a plurality of switches [paragraph 0069 and fig.1].

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17. With respect to claim 20, Vairavan further teaches said method further comprises: determining changes in physical topology of said network [paragraphs 0059-0060 and 0086].

18. With respect to claim 21, Vairavan further teaches of said method comprises comparing a physical description of said network with a stored physical description of said network [paragraphs 0073-0088].

***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vairavan as applied to claims 13 and 22 above, and further in view of Holloway et al., U.S. Patent No. 5,805,801 (hereinafter Holloway).

21. With respect to claims 17 and 24, Vairavan further teaches the method further comprising: said network is a virtually-wired switching fabric [fig.2] and said third port is at the edge of said fabric [paragraphs 0068-0070].

However, Vairavan does not explicitly show disabling said third port.

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In a method of managing a network, Holloway discloses disabling a port [col.3, Ins.3-25].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Vairavan in view of Holloway by disabling the port because this feature not only provides for detection of security intrusions, but also provides the proactive actions needed to stop the proliferation of security intrusions over the domain [Holloway, col.2, Ins.41-45]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to filter on their respective ports against the intruding unauthorized address [Holloway, see abstract].

22. Claims 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vairavan, in view of Holloway.

23. With respect to claim 31, Vairavan teaches a network comprising:

- a plurality switches [paragraphs 0047-0048];
- said switches interconnected and configured to control communication between a plurality of devices coupled to said network [fig.1];
- a database having stored therein a stored physical topology of said network and authorized addresses associated with packets processed at ports of said switches, wherein said authorized addresses are based on said stored physical topology [paragraphs 0074-0084 i.e. a security policy database];



However, Vairavan does not explicitly show a configuration agent that is able to program said switches based on said authorized address to detect a packet having an unauthorized address; and a management agent that is able to: compare addresses learned by said switches against said authorized addresses to determine an unauthorized address; and trace a topology of said network to determine a port where a packet associated with said unauthorized address entered said network.

In a communication system, Holloway discloses a configuration agent that is able to program said switches based on said authorized address to detect a packet having an unauthorized address [col.3, Ins.30-43 and col.4, ln.46 - col.5, ln.12]; and a management agent that is able to: compare addresses learned by said switches against said authorized addresses to determine an unauthorized address [col.7, Ins.7-68 and col.3, Ins.37-39]; and trace a topology of said network to determine a port where a packet associated with said unauthorized address entered said network [col.8, Ins.1-60].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Vairavan in view of Holloway by adding a configuration agent and management agent because this feature this feature not only provides for detection of security intrusions, but also provides the proactive actions needed to stop the proliferation of security intrusions over the domain [Holloway, col.2, Ins.41-45]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to send an alert frame to the functional address [Holloway, col.8, Ins.18-19].

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24. With respect to claim 32, Vairavan further teaches said switches are further configured to forward said packet if said address is authorized [paragraphs 0054-0060].

25. With respect to claim 33, Vairavan further teaches said switches are further configured to drop said packet if said address is not authorized [paragraph 0132].

26. With respect to claim 34, Vairavan further teaches there is a one-to-one mapping between ports of said switches [paragraphs 0047-0049].

### ***Response to Arguments***

27. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT

  
**ZARNI MAUNG**  
**SUPERVISORY PATENT EXAMINER**

Nghi V Tran  
Patent Examiner  
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